**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IDENTITY SOFTWARE PTY LTD,	§	
	§	CIVIL ACTION NO. 1:17-cv-01190
Plaintiff,	§	
	§	
v.	§	**JURY TRIAL DEMANDED**
	§	
TRENDKITE, INC.,	§	
	§	
Defendant.	§	

<u>**ORIGINAL COMPLAINT AGAINST TRENDKITE SOLUTIONS, INC.**</u>

Plaintiff Identity Software Pty. Ltd., ("Plaintiff" or "Identity Software"), by and through its attorneys, file its Original Complaint against TrendKite, Inc. ("Defendant" or "TrendKite"), and demanding trial by jury, hereby alleges as follows:

I.   NATURE OF THE ACTION

1.   This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant's unauthorized use and performance in the United States of methods, processes, and/or services that infringe Identity Software's United States patent, as described herein.

2.   TrendKite produces the platform TrendKite PR Analytics. Using this platform, TrendKite performs the method disclosed in the '495 patent and thus infringes the patented method.

3.   Identity Software seeks past and future damages and prejudgment and post judgment interest for TrendKites's past infringement of the Patents-in-Suit, as defined below.

II. PARTIES

4.   Plaintiff Identity Software is a proprietary limited company organized and existing under the laws of the Commonwealth of Australia. Identity Software's principal place of business is Level 1, National Innovation Center, Australian Technology Park, Eveleigh, Sydney, NSW 2015, Australia.

5.   On information and belief, Defendant TrendKite, Inc. is a corporation organized under the laws of the State of Delaware, having a principal place of business at 800 Brazos, Suite 340, Austin, Texas 78701. TrendKite's registered agent for service of process in Texas is Capitol Corporate Services, Inc., 206 E. 9th Street, Suite 1300, Austin, Texas 78701.

III. JURISDICTION AND VENUE

6.   This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284 and 285.

7.   This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

8.   On information and belief, venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). On information and belief, Defendant is deemed to reside in this Judicial District, has an established place of business in the Judicial District, has committed acts of infringement in this Judicial District, has purposely transacted business involving its exemplary accused products in this Judicial District, and/or has regular and established places of business in this Judicial District.

9.   On information and belief, Defendant TrendKite is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other

persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

IV. FACTUAL ALLEGATIONS

PATENT-IN-SUIT

10.   Identity Software is the owner of all right, title and interest in and to U.S. Patent No. 6,272,495 (the "'495 Patent"), entitled "Method and Apparatus for Processing Free-Format Data," issued on August 7, 2001.

11.   The foregoing patent is referred to herein as the "Patent-in-Suit."   Identity Software is the assignee of the Patent-in-Suit, and has all rights to sue for infringement and collect past and future damages for the infringement thereof.

12.   The asserted method claims of the Patent-in-Suit are directed to methods of processing free-format data into text objects, examining the content of the data, and determining attributes of the gathered data. Furthermore, the method disclosed includes a semantic and syntactic analysis of the data. This relationship-based analysis allows for more in-depth analytics of the data and allows for user queries to be executed wherein results are provided based on the semantic or syntactic relationships of the provided data. Overall, the disclosed method permits the gathering and analysis of data, independent of formatting, and allows for more intuitive search results based on language structure and significance.
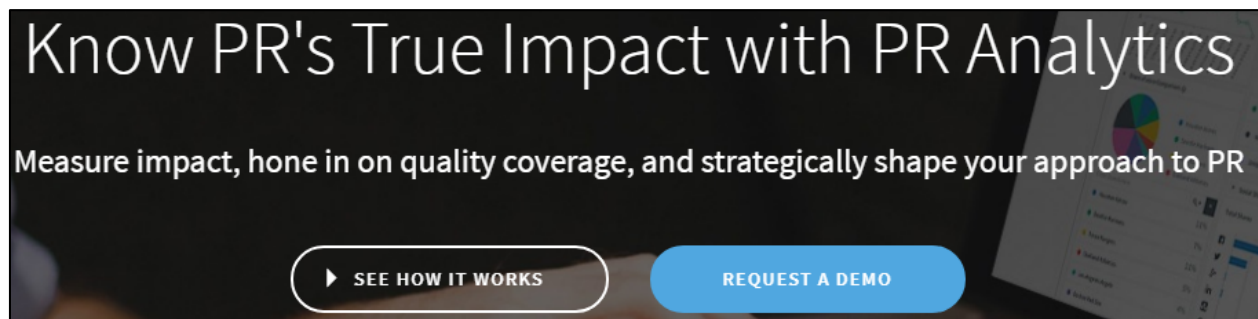
V. DEFENDANT'S ACTIONS

13.   Defendant TrendKite provides software and services directed to data gathering, natural language based analysis of data, and the detection of semantic and syntactic relationships in data.
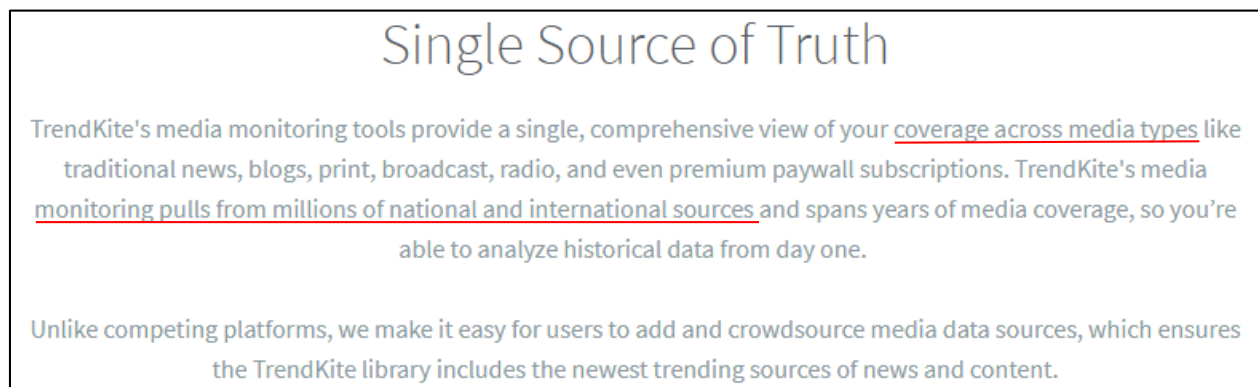
14.   For example, TrendKite provides the TrendKite PR Analytics Platform. This method provides data gathering, for both structured and unstructured data, data analytics, and provides for semantic and syntactic based searching through gathered data.

15.   TrendKite's PR Analytics Platform further provides the ability to produce semantic and syntactic information and relationships from the data gathered. These relationships aid in the production of results in response to a data query from the user.

16.   Upon gathering the relevant data, TrendKite's PR Analytics Platform further utilizes analytics and analysis to determine weight and value of the data. This method further recognizes semantic and syntactic relationships among the data, regardless of format, and assists the user in creating query responses. The PR Analytics Platform uses natural language analysis on varying formats of data to identify relationships in the data and facilitate queries through the gathered data, as exemplified below.

Source: https://www.trendkite.com/

Source: https://www.trendkite.com/product/pr-media-monitoring/

ORIGINAL COMPLAINT AGAINST TRENDKITE, INC.

The reporting software for public relations professionals

PR is hard work. But what's harder is making sure that you know, and more importantly your client's know, the impact of all that hard work.

Well there's good news for your inner workaholic and your outer public relations reputation, TrendKite's PR reporting software has got you covered. We exist to help brands and agencies quantify and amplify the impact of their PR efforts. That means better reporting, information in near real-time (that's seconds instead of minutes) and a beautiful interface that's actually easy to use. So now everyone knows you're rockin' it because you've got the numbers to prove it.
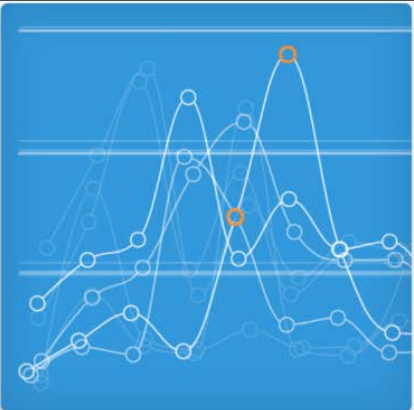
And to make this really official, here's your bulleted list of the reasons why TrendKite is going to make your life better:

- **Accuracy:** We use advanced semantic analysis, big data analytics and lots of other buzzwords to model the PR ecosystem. This means TrendKite understands the publications, their audiences, their authors, their subject areas and the brands they mention better than everyone else, so you only get the results you care about.
- **Understand Quality:** We're here to help you understand the value of your PR reporting efforts. We throw a hard dollar value onto your PR activities and benchmark performance, giving you a consistent view of the quality of coverage across all brand metrics.
- **Quantify Impact:** So what was the impact of that latest placement or mention? You don't have to guess with TrendKite, because our proprietary (that means no one else has it) Impact Score shows you the news most impactful to your brand by taking things like readership, publication tier, unique visitors, and where your search topic appears in the article into consideration.
- **Automation:** The amount of time PR professionals spend generating reports is staggering. We see it all the time…PowerPoint decks, Excel charts, PDFs. It blows our mind because with TrendKite, generating beautiful, interactive reports has been reduced to a single click.

Source: https://www.trendkite.com/lp/pr-software

Powered by TrendKite's Insight Engine

Spike alerts is the first in a series of new intelligence capabilities powered by our proprietary Insight Engine, which is machine learning technology that detects patterns among the equivalent of 3 million days of coverage. By comparison, a human would have to examine 4,000 dashboards by hand to get a similar result to the Insight Engine.

Source: https://www.trendkite.com/product/pr-spike-alert?hsCtaTracking=96fa4245-d965-43d0-9a8b-74a72ca135a9%7C33abb354-d873-4aa0-aee5-0c2fa09a9a4c

17.   On information of belief, Defendant TrendKite also implements contractual protections in the form of license and use restrictions with its customers to preclude the unauthorized reproduction, distribution and modification of its software.   Moreover, on information and belief, Defendant TrendKite implements technical precautions to attempt to thwart customers who would circumvent the intended operation of TrendKite's products.

VI. COUNT ONE

INFRINGEMENT OF U.S. PATENT NO. 6,272,495

18.   Identity Software incorporates by reference its allegations in Paragraphs 1-17 as if fully restated in this paragraph.

19.   Identity Software is the assignee and owner of all right, title and interest to the '495 Patent. Identity Software has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

20.   On information and belief, Defendant TrendKite, without authorization or license from Identity Software, has been and is presently directly infringing certain method claims of the '495 patent including at least claim 1 and claims dependent therefrom, as infringement is defined by 35 U.S.C. § 271(a), including through practicing one or more method claims of the '495 Patent. Defendant TrendKite is thus liable for direct infringement of the '495 Patent pursuant to 35 U.S.C. § 271(a). An exemplary infringing product includes the TrendKite PR Data Analytics Platform, which gathers both structured and unstructed data, performs data relationship analytics, transforms data into a searchable format, and allows the user to perform queries on the gathered data.

21.   The TrendKite PR Analysis Platform executes a "software as a service" collection and identification of data program. The platform is hosted by TrendKite's service and the infringing method is applied through TrendKite's software. The platform utilizes semantic and syntactic "text analytics" to gather unstructured data, provide semantic and syntactic information about the data, and generate the ability to respond to queries in reference to the data, in a manner which infringes upon the '495 Patent.

22.   As a result of TrendKite's infringement of the '495 Patent, Identity Software has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

VII.   JURY DEMAND

23.   Plaintiff Identity Software demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

VIII.   PRAYER FOR RELIEF

WHEREFORE, Identity Software prays for judgment and seeks relief against Defendant as follows:

A.   That the Court determine that one or more claims of the Patents-in-Suit is infringed by Defendant TrendKite, either literally or under the doctrine of equivalents;

B.   That the Court award damages adequate to compensate Identity Software for the patent infringement that has occurred, together with prejudgment and post-judgment interest and costs, and an ongoing royalty for continued infringement;

C.   That the Court permanently enjoin Defendant pursuant to 35 U.S.C. § 283; and

D.   That the Court award such other relief to Identity Software as the Court deems just and proper.

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DATED: December 20, 2017

Respectfully submitted,

*/s/   Andrew G. DiNovo*_____
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